

CBS EVENING NEWS
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The Pelton Case and the Press

RATHER: The campaign of President Reagan and top members of his Administration against the press has taken yet another turn. CIA Director William Casey now seeks to take a reporter to court for reporting to the American people what a spy apparently told the Russians.

Pentagon correspondent David Martin has the story.

5 DAVID MARTIN: Accused spy Ronald Pelton watched today as jurors were selected to try him on charges of selling Moscow secrets about American eavesdropping operations. Outside the courtroom, a major clash is building between government and press over whether some of the same secrets Pelton allegedly sold the Russians can now be told to the American public. CIA Director William Casey has asked the Justice Department to consider prosecuting NBC News for reporting that Pelton apparently gave away one of this country's most sensitive intelligence operations, in which American submarines are believed to have slipped into Russian harbors and listened in on Soviet communications.

Casey cited a 1950 law which makes it a crime to publish classified information about communications intelligence.

MAN: We have to look at the [unintelligible] facts first.

MARTIN: Many of the facts about eavesdropping by U.S. submarines are already known. A 1975 newspaper article exposed the operation in great detail. A more official version appeared in 1976 with the publication of a leaked congressional report.

Which raises the question: Why should it be a crime to talk about it now?

Former CIA Director Stansfield Turner is a consultant to CBS News.

A STANSFIELD TURNER: The law does not say that you have to be the first person to make something public. There's no exceptions because somebody else had done it or because the Russians, or anyone else, already knew it.

MARTIN: Next question: Who is really to blame?

P SENATOR PATRICK LEAHY: The Administration is frustrated, as am I, by all the leaks going on. But the thing to do is go after the people..doing the leaking, not after the press.

MARTIN: The Administration is going after Ronald Pelton, and in other cases has fired both a State Department and a Pentagon official for leaking. Some think threatening the press serves a broader purpose.

NAT HENTOFF: It's much more comfortable for them if they can tell the press what to print and what not to print, and if the press is so afraid of them that they silence themselves, censor themselves.

MARTIN: This latest battle between government and press, between national security and the public's right to know is just beginning. The Washington Post is currently debating whether to risk prosecution by publishing its own account of the same eavesdropping operation.